

REMARKS

In the final Office Action, the Examiner rejects claims 1, 14, 27, and 32 under 35 U.S.C. § 102(b) as anticipated by BERNHARDT et al. (U.S. Patent No. 5,710,975); rejects claims 2 and 15 under 35 U.S.C. § 103(a) as unpatentable over BERNHARDT et al. in view of REDI et al. (U.S. Patent Application Publication No. 2002/0071395); rejects claims 3, 16, and 28 under 35 U.S.C. § 103(a) as unpatentable over BERNHARDT et al. in view of LUI (U.S. Patent Application Publication No. 2005/0009578); allows claim 33; and objects to claims 4-13, 17-26, and 29-31 as allowable if rewritten into independent form. Applicants respectfully traverse these rejections.¹

By way of the present amendment, Applicants propose canceling claims 1, 3, 14, 16, 27, 28, and 32 without prejudice or disclaimer, and amending claims 2, 4, 15, 17, and 29 to improve form. No new matter has been added by way of the proposed amendment. Claims 2, 4-13, 15, 17-26, 29-31, and 33 would remain pending upon entry of the proposed amendment.

Allowable subject matter

Applicants note with appreciation the indication that claim 33 is allowable over the art of record and that claims 4-13, 17-26, and 29-31 would be allowable if rewritten into independent form to include the features of the base claim and any intervening claims.

Applicants propose amending claim 4 into independent form to include the features of claims 1 and 3. Thus, Applicants submits that claim 4, amended as proposed, is in condition for immediate allowance.

Applicants propose amending claim 17 into independent form to include the features of claims 14 and 16. Thus, Applicants submits that claim 17, amended as proposed, is in condition for immediate allowance.

¹ As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, reasons to modify a reference and/or combine references, assertions as to dependent claims, etc.) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such assertions/requirements in the future.

Applicants further propose amending claim 29 into independent form to include the features of claims 27 and 28. Thus, Applicants submits that claim 29, amended as proposed, is in condition for immediate allowance.

Rejection under 35 U.S.C. § 102(b) based on BERNHARDT et al.

Claims 1, 14, 27, and 32 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by BERNHARDT et al. While not acquiescing to the Examiner's rejection, but merely to expedite prosecution, Applicants propose canceling claims 1, 14, 27, and 32 without prejudice or disclaimer, thereby rendering this rejection moot.

Rejection under 35 U.S.C. § 103(a) based on BERNHARDT et al. and REDI et al.

Claims 2 and 15 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BERNHARDT et al. in view of REDI et al. Applicants respectfully traverse this rejection.

Claim 2 depends from claim 4. Since claim 4, amended as proposed, is in condition for immediate allowance, Applicants submit that claim 2, amended as proposed, is in condition for immediate allowance based on its dependency from claim 4.

Claim 15 depends from independent claim 17. Since claim 17, amended as proposed, is in condition for immediate allowance, Applicants submit that claim 15, amended as proposed, is in condition for immediate allowance based on its dependency from claim 17.

For at least the foregoing reasons, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 2 and 15 under 35 U.S.C. § 103(a) based on BERNHARDT et al. and REDI et al.

Rejection under 35 U.S.C. § 103(a) based on BERNHARDT et al. and LUI

Claims 3, 16, and 28 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BERNHARDT et al. in view of LUI. While not acquiescing to the Examiner's rejection, but merely to expedite prosecution, Applicants propose canceling claims 3, 16, and 28 without prejudice or disclaimer, thereby rendering this rejection moot.

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-1945, under Order No. BBNT-P01-056 from which the undersigned is authorized to draw.

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Respectfully submitted,

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